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**TO:** Examiner David A. Saunders  
U.S. Patent Office, Examining Group 1644**FAX NO.:** (703) 872-9306**FROM:** Doran R. Pace**DATE:** June 24, 2005**NO. OF PAGES (INCLUDING COVER SHEET):** 6**SUBJECT/MESSAGE:**

**Re:** U.S. Patent Application Docket No. MOR-100D2  
MATERIALS AND PROCEDURES FOR THE PURIFICATION OF CELLS  
(Lawman, Lawman)  
Serial No. 09/981,639; filed October 17, 2001

**Attachment:** Request for Reconsideration of Request for Refund Based on Improper  
Claim Charge (5 pages, including attachment)

**OFFICIAL COMMUNICATION**  
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Doran R. Pace, Patent Attorney

REQUEST FOR REFUND  
Examining Group 1644  
Patent Application  
Docket No. MOR-100D2  
Serial No. 09/981,639

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : David A. Saunders  
Art Unit : 1644  
Applicants : Michael J.P. Lawman, Patricia Lawman  
Serial No. : 09/981,639  
Filed : October 17, 2001  
Conf. No. : 8705  
For : Materials and Procedures for the Purification of Cells

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF REQUEST FOR REFUND  
BASED ON IMPROPER CLAIM CHARGE

Sir:

On June 8, 2005, Applicants requested a refund based on improper claim charge in the above-referenced patent application. A communication was mailed from Ms. Deborah Dotson on June 20, 2005 advising that "[t]here was no overpayment made by applicant. All fees were calculated and assessed properly. The fees were not charged to deposit account with the filing of the 4/28/04 amendment although authorization was given." Applicants respectfully request reconsideration of their request for refund in the subject application.

Applicants submitted an Amendment Under 37 CFR §1.111 to the Patent Office on April 28, 2004 along with an Amendment Transmittal Letter authorizing the fee of \$277.00 (based on the fee rate in effect at that time) for additional claim fees (26 claims in excess of 20 and one claim in excess of three) to Deposit Account No. 19-0065. The undersigned representative acknowledges and has confirmed that the \$277.00 fee for the additional claims was not charged to Deposit Account 19-0065.

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On February 14, 2005, Applicants filed a Request for Continued Examination (RCE) Transmittal, along with a Petition and Fee for Extension of Time Under 37 CFR §1.136(a) and an Amendment Under 37 CFR §1.111 in response to an Advisory Action dated January 11, 2005 in the subject application. In their Amendment, Applicants canceled claims 22, 29, 33, 38, 47, and 59. Accordingly, claims 14-21, 23-28, 30-32, 34-37, 39-46, and 48-58 are pending in the subject application (for a total of 40 claims; four of which are independent claims).

On March 14, 2005, the undersigned's Deposit Account No. 19-0065 was charged \$100.00 (control number 2) for one claim in excess of three (fee code 2201) and \$500.00 (control number 3) for 20 claims in excess of twenty (fee code 2202) based on the current fee rate, a copy of which Deposit Account Statement is attached. It is clearly stated in 37 CFR §1.114 that "... an applicant may request continued examination of the application by filing a submission and the fee set forth in § 1.17(e) . . . ." Thus, additional claim fees are not charged unless additional claims beyond that already pending in the application at the time of filing of the RCE are submitted with the RCE. No additional claims were added to the subject application with the filing of the RCE. Applicants respectfully assert that only the RCE fee required under 37 CFR 1.17(e) should have been (and subsequently was) charged to undersigned's Deposit Account. Accordingly, the fees have not been calculated and assessed properly by the Patent Office. Applicants assert that they should only be charged \$277.00 (based on the fee rate in effect at that time) for the additional claims fees authorized with their Amendment dated April 28, 2004 and not the \$600.00 additional claims fees (based on the fee rate currently in effect). Accordingly, a refund in the amount of \$323.00 is requested (\$600.00 - \$277.00 = \$323.00).

In addition, a Petition and Fee for a two-month Extension of Time Under 37 CFR §1.136(a) was submitted authorizing the fee of \$210.00 to Deposit Account No. 19-0065. On May 12, 2004, the undersigned's Deposit Account No. 19-0065 was properly charged \$210.00 (control number 2) as the extension fee (fee code 2252). On May 19, 2004, the undersigned's Deposit Account No. 19-0065 was charged another \$210.00 for the extension fee (control number 4). The undersigned representative asserts that Deposit Account No. 19-0065 should only have been charged once for payment of the extension fee. Applicants' undersigned representative's Deposit Account No. 19-

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Docket No. MOR-100102  
Serial No. 09/981,639

0065 has not, as of this date, been credited for the duplicate charge. A copy of the Deposit Account statement is attached showing the duplicate extension charge.

Accordingly, Applicants respectfully request that a refund in the amount of \$533.00 be credited to Applicants' undersigned representative's Deposit Account No. 19-0065 based on the following calculation based on small entity status:

APPLICANTS' DEPOSIT ACCOUNT SHOULD HAVE ONLY BEEN CHARGED:

\$277.00 – additional claim fees authorized with filing of April 28, 2004 Amendment  
for 26 extra total claims and 1 extra independent claim  
\$210.00 -- extension of time fee authorized with filing of April 28, 2004 Amendment  
\$487.00

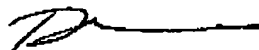
APPLICANTS' DEPOSIT ACCOUNT WAS CHARGED:

\$ 100.00 – charge for 1 independent claim in excess of 3 when RCE was filed Feb. 14, 2005  
\$ 500.00 – charge for 20 claims in excess of 20 when RCE was filed Feb. 14, 2005  
\$ 210.00 – charge for extension of time fee on May 12, 2004  
\$ 210.00 – charge for extension of time fee on May 19, 2004  
\$1,020.00

BREAKDOWN OF REFUND:

\$1,020.00 – charged to Deposit Account No. 19-0065  
\$ 487.00 -- should have been charged to Deposit Account No. 19-0065  
\$ 533.00 – total refund to be credit to Deposit Account No. 19-0065

Respectfully submitted,



Doran R. Pace  
Patent Attorney  
Registration No. 38,261  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: P.O. Box 142950  
Gainesville, FL 32614-2950

DRP/sl

Attachments: Copy of Deposit Account statements

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**United States  
Patent and  
Trademark Office**

Requested Statement	Mar-05
Month:	
Deposit Account	190005
Number:	
Name:	SALIWANCHIK, LLOYD & SALIWANCHIK
Attention:	
Address:	PO BOX 142950
City:	GAINESVILLE
State:	FL
Zip:	32614
Country:	UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
14-Mar	2	9981639	MOR-100D2	2201	\$100.00
14-Mar	3	9981639	MOR-100D2	2202	\$500.00



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Patent and  
Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** May 2004  
**Deposit Account Number:** 190065  
**Name:** SALIWANCHIK, LLOYD & SALIWANCHIK  
**Attention:**  
**Address:** PO BOX 142950  
**City:** GAINESVILLE  
**State:** FL  
**Zip:** 32614  
**Country:** UNITED STATES OF AMERICA

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT
05/12	2	09981639 MOR-100D2	2252		\$210.00
05/19	4	09981639 MOR-100D2	2252		\$210.00